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March 24, 2021

**Via ECF**

The Honorable Pamela K. Chen  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: *United States v. Hernan Lopez and Carlos Martinez*, No. 15-cr-252-32, 33 (PKC)**

Dear Judge Chen:

Defendants Hernan Lopez and Carlos Martinez respectfully submit this letter on two related issues. First, we write in response to the government's March 24, 2021 *ex parte* and under seal letter regarding materials the government has received from Torneos y Competencias, S.A. ("Torneos") that it intends to withhold from Mr. Lopez and Mr. Martinez. *See* Government EX PARTE SEALED Ltr. Re Torneos Letter Re Decks.FINAL\_REDACTED (hereinafter "Gov't Letter"). Second, we write to provide the Court our position with respect to the Court's March 3, 2021 Order regarding materials to be submitted by the government for *in camera* review.

First, Mr. Lopez and Mr. Martinez object to the government presenting information and arguments to the Court to which Mr. Lopez and Mr. Martinez are unable to respond: Mr. Lopez and Mr. Martinez have not received an unredacted copy of the government's letter to the Court or the attached Torneos Letter. Mr. Lopez and Mr. Martinez also object to the government withholding from the defense additional communications the government has received from cooperating entity, Torneos, as part of the government's efforts to withhold other materials Torneos has provided the government. In its submission, the government attached a letter from Torneos addressing why the government should withhold PowerPoint decks from the defense that Torneos produced to the government (the "Torneos Letter"). Those PowerPoint decks are the subject of the Court's *in camera* review. Despite the existence of a Protective Order (ECF Doc. Nos. 1380, 1381, 1382), the government provided neither the Torneos Letter nor an unredacted copy of the government's letter to the Court to Mr. Lopez and Mr. Martinez.

If the government wishes for its letter and the Torneos Letter to be filed under seal, it may seek such permission from the Court. But there is no basis to prevent the defense from a meaningful opportunity to respond to arguments as to why the government should not be required to provide the defense with substantive communications between Torneos and the government. This Court issued a Protective Order designed to allow the parties to possess materials not intended for the public record, not to allow the government to shield from the defense arguments to the Court that the government believes will assist it in opposing the defense's efforts to seek discovery.



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Second, in our view, the Court's March 3, 2021 Order encompassed all substantive communications from relevant entities to the government that are potentially discoverable. These would include: Fox, Torneos, Traffic, Datisa, T&T Sports Marketing Ltd., Fox Pan American Sports, CONCACAF, CONMEBOL, and FIFA. We met and conferred with the government yesterday. It is the government's view that it is only required to submit PowerPoint decks. It is clear, however, that there are additional substantive communications in the government's possession. Notably, the government submitted other correspondence from Torneos, while holding back other Torneos communications, in an effort to achieve its aim of not having even the PowerPoint decks disclosed to the defense. All substantive communications, in whatever form, from all relevant entities, should be submitted to the Court.

For the foregoing reasons, Mr. Lopez and Mr. Martinez respectfully request that the Court compel the government to produce an unredacted copy of its March 24, 2021 letter and all attachments to the defense, and Mr. Lopez and Mr. Martinez also request that the Court direct the government to submit for *in camera* review all substantive communications, in whatever form, from all relevant entities.

Respectfully,

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James W. Spertus  
*Counsel for Hernan Lopez*

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Julia Coleman  
Michael Cornacchia  
Ramon Abadin  
*Counsel for Carlos Martinez*

cc: Counsel of Record (by ECF)  
Clerk of Court (PKC) (by ECF)